

### REMARKS

The present document is submitted in reply to the Office Action dated March 17, 2008 ("Office Action").

Applicants have amended claims 1, 13, and 25, support for which appears in the specification at page 3, line 21. This amendment has necessitated amendment to claims 11, 23, and 35, and cancellation of claims 12, 24, 36, 53, 56, and 59. Further, Applicants have amended the specification to incorporate a sequence identifier. No new matter has been introduced.

Upon entry of the present amendments, claims 1, 11, 13, 23, 25, 35, 54, 55, 57, 58, 60, and 61 will be under examination. Applicants respectfully request that the Examiner reconsider this application in view of the following remarks.

#### Objection

The present application is objected to on the ground that "the amino acid sequence of formula (I) [mentioned in the specification] is not associated with a sequence identifier and is not included in the Sequence Listing [as filed]." See the Office Action, page 2, section 2.

Applicants submit herein a new Sequence Listing, both in paper and in computer-readable form, that includes the amino acid sequence of formula (I) (SEQ ID NO:4). Applicants have also amended the specification to incorporate the sequence identifier, i.e., SEQ ID NO: 4, for this amino acid sequence.

It is thus submitted that this objection has been overcome.

#### Rejection under 35 U.S.C. § 112, First Paragraph (Written Description)

Claims 1, 11-13, 23-25, 35, and 36 are rejected for lack of written description. More specifically, the Examiner states that "[o]nly methods of administering peptides that are **at least 95%** identical to SEQ ID[:1, 2, or 3, but not the full breadth of the claims [i.e., method of administering peptides that are at least 90% identical to SEQ ID NO:1, 2, or 3], meet the written description provision of 35 U.S.C. § 112, first paragraph." See the Office Action, page 3, section 5; emphasis added.

For the sole purpose of accelerating prosecution, Applicants have narrowed independent claims 1, 13, and 25 by replacing the term “at least 90%” recited therein with the term “**at least 95%**.” Amended claims 1, 13, and 25 now cover methods of administering peptides that are **at least 95%** identical to SEQ ID NO:1, 2, or 3. As agreed by the Examiner, the present specification adequately describes use of peptides that are **at least 95%** identical to SEQ ID NO:1, 2, or 3. See the Office Action, page 5, first paragraph. Applicants thus submit that claims 1, 13, and 25, as amended, meet the written description requirement.

The above-mentioned amendment has necessitated amendment to claims 11, 23, and 35, all of which depend from claims 1, 13, and 25, respectively. Amended claims 11, 23, and 35 each cover a method of administering peptides having SEQ ID NO:1, 2, or 3 with one conservative amino acid substitution. As all of SEQ ID NOs:1, 2, and 3 include 34 amino acid residues, the peptides used in the methods of claims 11, 23, and 35 are about **97%** identical to SEQ ID NOs:1, 2, and 3. For the same reason set forth above, these three amended claims also meet the written description requirement. The other rejected claims, i.e., claims 12, 24, and 36, have been cancelled.

Rejection under 35 U.S.C. § 112, First Paragraph (Enablement)

Claims 1, 11-13, 23-25, 35, and 36 are rejected for lack of enablement. The Examiner is of the position that the present specification is not enabling for “methods of administering peptides that are **less than 95%** identical to SEQ ID NOs:1, 2, [and] 3,” the subject matter of the rejected claims as previously presented. See the Office Action, pages 6-7, section 13, emphasis added.

Claims 1, 11, 13, 23, 25, and 35, as amended, are directed to methods of administering peptides **at least 95% (e.g., 97%)** identical to SEQ ID NOs:1, 2, and 3. As correctly pointed out by the Examiner, these amended claims satisfy the enablement requirement. Note that the other rejected claims, claims 12, 24, and 36, have been cancelled.

Applicant(s) : Cornish et al.,  
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Allowable Subject Matter

The Examiner deems claims 53-61 as covering allowable subject matter but objects to them for depending from rejected claims.

Applicants have cancelled allowable claims 53, 56, and 59. Since amended claims 1, 13, and 23 cover the same subject matter as allowable claims 53, 56, and 59, they are also in condition for allowance. So are claims 54, 55, 57, 58, 60, and 61, all of which now depend from allowable claims 1, 13, or 23.

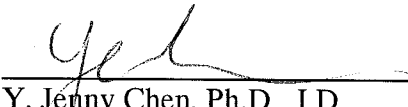
CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fee is believed to be due. Please apply any charges to Deposit Account No. 50-4189, referencing Attorney Docket No. 70007-004US1.

Respectfully submitted,

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